

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JAMES K. DONOHUE and DRYSHOD
INTERNATIONAL, LLC,
Plaintiffs,


v.
ZHENYIN “STEVEN” WANG
D/B/A DRYCODE
Defendant.

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CASE No: 1:22-cv-00583-LY


**DECLARATION OF ZHENYIN WANG IN SUPPORT OF DEFENDANT’S MOTION
TO DISMISS FOR LACK OF PERSONAL JURISDICTION, INSUFFICIENT SERVICE
OF PROCESS, AND MOTION TO RECONSIDER**

I, Zhenyin Wang, declare and state as follows:

1. My name is Zhenyin Wang. I am registrant and owner of the trademark “ DRYCODE” with USPTO registration numbers 6,665,630; 6,665,633; 6,665,634; 6,665,635 and 6,666,266.
2. I am over eighteen (18) years of age. I make this Declaration based on my personal knowledge.
3. I have read this declaration fully and completely before signing it. I understand its contents.
4. I provided my true and correct physical address No.69, Group 9, Mazhuang, Liutun Village Huiji Township, Zhecheng County Henan, Shangqiu CHINA 476200 to USPTO.
5. I live in Henan, China.
6. I am not registered to do business in Texas.
7. I do not maintain a registered agent for service of process in Texas.
8. I have no offices, employees, agents, facilities or mailing addresses in Texas.
9. I do not have any telephone listings in Texas.

10. I do not own, use, rent or possesses any real or personal property in Texas.
11. I have never paid taxes in Texas.
12. I have never held any bank accounts in Texas.
13. I do not maintain any corporate files in Texas.
14. I have never warehoused or stored inventory in Texas.
15. I have never directed advertising or marketing toward Texas.
16. I have never directed any emails to Plaintiffs or Plaintiff's distributors.
17. The emails directed to Plaintiffs or Plaintiffs' distributors attached as Exhibits in the Complaint were from "Steve," the marketing manager of my prior employer, not me. My nick name at that company was "Steven". My email address steven.wang@huatengboots.com.cn was only copied in three of the emails in 2019 since I was employed by the Chinese company Huateng in 2019. I resigned from this company at the end of 2019.
18. I have never entered into any contracts with a person or corporate entity located in Texas.
19. I have never conducted any directors' meetings in Texas.
20. I have never purchased goods or services from any entities or individuals located in Texas.
21. I have never contacted any internet service provider in Texas.
22. I have never manufactured or sold any allegedly infringing products in Texas.
23. I have never been served process of this present case with case number 22-cv-00583.
24. I have never received any document, complaint, summons, or email from Plaintiffs or Plaintiffs' counsel.

25. I have never authorized my TTAB's counsel, Tianyu Ju, to accept service of process or any documents relating to this case on my behalf.

26. I have never personally and/or directly sold or offered to sell alleged infringing products bearing with the trademark  on Amazon.com.

27. I did not personally list or own the Amazon listings associated with the alleged infringing products <https://www.amazon.com/DRYCODE-Waterproof-Neoprene-Durable-Gardening/dp/B09L5N5234> and https://www.amazon.com/DRYCODE-Waterproof-Neoprene-Hunting-Outdoor/dp/B095SJDZSD/ref=pd_lpo_1?pd_rd_i=B0B4N66GZ8&psc=1 as shown on the Exhibit B in support of Plaintiffs' motion for a preliminary injunction.

28. I accessed these two listings, these listings were created and owned by an Amazon seller named "lituo sport" with a dba "D Drycode Store" with its business information as follows:

Detailed Seller Information


Business Name: DONGGUANSHI LITUO YUNDONGYONGPIN YOUXIANGONGSI

Business Address:

wanjiangjiedao wanjiangshequ guansuidadao
wanxinggongyequ Ehuishanghwugang 350 351shi
dongguan
guangdong
517000

<https://www.amazon.com/sp?ie=UTF8&seller=A2EWZ150AMMRIW&isAmazonFulfilled=1>

. **Exhibit 1** attached herein is a true and correct copy of the storefront of lituo sport who is the Amazon Seller associated with Amazon listings identified in the Exhibit B in support of Plaintiffs' motion for a preliminary injunction.

29. I authorized a company in China named Dongguanshi Lituo Yundongyongpin Youxiangongsi to use the trademark .

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 8.12.2022

By: Zhenyin Wang
Zhenyin Wang